

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA

Plaintiff

v.

JUAN DANIEL HERNANDEZ-XOCHITLA

Defendant

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1:22-MJ-864-SH

ORDER

This matter came before the Court on October 27, 2022, for a hearing on Defendant Juan Daniel Hernandez-Xochitla's Motion for Immediate Release with Conditions, filed October 25, 2022 (Dkt. 8). Defendant was present at the hearing and represented by counsel. Counsel for the Government also appeared.

On October 17, 2022, Defendant was charged by criminal complaint with reentry of removed aliens, in violation of 8 U.S.C. § 1326. Dkt. 1. The Government filed a Motion for Detention, alleging, *inter alia*: "A serious risk that the Defendant will flee. *See* 18 U.S.C. § 3142(f)(2)(A)." Dkt. 2. In his Motion, Defendant argues that he "is being detained in violation of the law" and that the Court is prohibited from holding a detention hearing because "the Government bears the burden of presenting some *evidence* to substantiate its allegation that a defendant is a serious risk of flight, but here the Government has provided no such evidence." Dkt. 8 at 3. Defendant cites no authority in support of this argument.

As stated on the record at the hearing, the Court **DENIES** Defendant's Motion for Immediate Release with Conditions (Dkt. 8) and finds that the Government is entitled to a detention hearing.

SIGNED October 27, 2022.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE